

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MICHAEL TOY,
on behalf of herself and all
others similarly situated,

Plaintiff,

v.

Case No. 18-cv-01341-PP

WSB-GRAFTON, INC., *et al.*,

Defendants.

**ORDER GRANTING JOINT MOTION FOR APPROVAL OF COLLECTIVE
ACTION SETTLEMENT AGREEMENT (DKT. NO. 36), APPROVING AWARD
OF ATTORNEY'S FEES, ENTERING MANDATORY INJUNCTION, AND
DISMISSING CASE WITH PREJUDICE**

On April 2, 2019, the parties filed a Joint Motion for Approval of Collective Action Settlement Agreement, Dismissal, and Entry of Mandatory Injunction, and explained why they believe the settlement agreement reflects a reasonable compromise of the disputed issues. Dkt. No. 36. The parties attached the settlement agreement to their motion. See Dkt. No. 36-1. While the parties have agreed that all issues and controversies in this case have been settled to their mutual satisfaction, they have asked the court to retain jurisdiction to enforce the terms of their settlement agreement under Kokkonen v. Guardian Life Ins. Co. of America, 511 U.S. 375, 381-82 (1994).

The court **FINDS** that the settlement agreement, dkt. no. 36-1, is fair, reasonable, and reflects a reasonable compromise of bona fide disputes between the parties.

The court **GRANTS** the parties' joint motion for approval of collective action settlement. Dkt. No. 36.

The court **FINDS** that plaintiff's counsel's attorneys' fees and costs are reasonable. The court **AWARDS** Hawks Quindel, S.C. \$100,613.12 in attorneys' fees and \$1,637.41 in costs.

The court **ORDERS** defendants Water Street Brewery, Inc., Water Street Brewery-Grafton, Inc., Water Street Brewery Oak Creek Restaurant LLC, Water Street Brewery-Lake Country, Inc., and Robert C. Schmidt, Jr. to make the settlement payments under the schedule provided below.

The court **ENTERS** a mandatory injunction requiring defendants Water Street Brewery, Inc., Water Street Brewery-Grafton, Inc., Water Street Brewery Oak Creek Restaurant LLC, Water Street Brewery-Lake Country, Inc., and Robert C. Schmidt, Jr. to deliver payments to plaintiff, the collective class members identified below, in the following amounts, under the following schedules:

| | PAYMENT 1 - WITHIN 30 DAYS OF COURT APPROVAL | | | PAYMENT 2 - BY 11/1/2019 | | |
|--------------------|---|----------|-----------|-----------------------------|-----------|------------|
| Name | SERVICE PAYMENT 1099 | FLSA W2 | FLSA 1099 | FLSA W2 | FLSA 1099 | TOTALS |
| ARBELIUS, BRITTNEY | | \$871.99 | \$871.99 | \$932.26 | \$932.26 | \$3,608.49 |
| BALCER, CHRISTINA | | \$293.45 | \$293.45 | \$313.73 | \$313.73 | \$1,214.36 |

| | | | | | | |
|------------------------|--|------------|------------|------------|------------|------------|
| BALLANTYNE, MATTHEW | | \$1,228.89 | \$1,228.89 | \$1,313.82 | \$1,313.82 | \$5,085.42 |
| BERGLES, STEPHANIE | | \$310.94 | \$310.94 | \$332.44 | \$332.44 | \$1,286.76 |
| BIONDI, GUY | | \$214.93 | \$214.93 | \$229.78 | \$229.78 | \$889.42 |
| BJERKE, STACEY | | \$62.27 | \$62.27 | \$66.58 | \$66.58 | \$257.70 |
| BOLLIG, DANIELLE | | \$40.12 | \$40.12 | \$42.89 | \$42.89 | \$166.01 |
| BOPP, MARY | | \$21.97 | \$21.97 | \$23.49 | \$23.49 | \$90.92 |
| BROWN, ALYSSA | | \$809.37 | \$809.37 | \$865.32 | \$865.32 | \$3,349.38 |
| BRUNNER, LINDSEY | | \$418.54 | \$418.54 | \$447.47 | \$447.47 | \$1,732.02 |
| CHRISTENSON, JAMIE | | \$121.91 | \$121.91 | \$130.33 | \$130.33 | \$504.48 |
| CIHASKY, RYAN | | \$751.84 | \$751.84 | \$803.80 | \$803.80 | \$3,111.28 |
| COGSWELL, IAN | | \$313.48 | \$313.48 | \$335.14 | \$335.14 | \$1,297.24 |
| DIXON, DANIEL | | \$1,149.88 | \$1,149.88 | \$1,229.35 | \$1,229.35 | \$4,758.46 |
| EDDINGTON, JASON | | \$684.91 | \$684.91 | \$732.25 | \$732.25 | \$2,834.33 |
| EVANS, MICHAELA | | \$367.59 | \$367.59 | \$393.00 | \$393.00 | \$1,521.19 |
| FAHEY, ANNE | | \$468.62 | \$468.62 | \$501.01 | \$501.01 | \$1,939.28 |
| FERGUSON, ALLISON | | \$479.40 | \$479.40 | \$512.54 | \$512.54 | \$1,983.89 |
| FERGUSON, DESHAWN | | \$493.34 | \$493.34 | \$527.44 | \$527.44 | \$2,041.58 |
| FLEISCHMANN, AMANDA | | \$763.63 | \$763.63 | \$816.41 | \$816.41 | \$3,160.07 |
| FORBES, DILLON | | \$210.64 | \$210.64 | \$225.20 | \$225.20 | \$871.68 |
| GALLIPEAN, HEAVIN | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| GALLIPEAU, HEAVIN | | \$949.81 | \$949.81 | \$1,015.46 | \$1,015.46 | \$3,930.54 |
| GAMOKE, SARAH | | \$75.52 | \$75.52 | \$80.74 | \$80.74 | \$312.52 |
| GARCIA, ELIZABETH A | | \$43.08 | \$43.08 | \$46.06 | \$46.06 | \$178.28 |
| GEBBARD, ANGELA | | \$1,276.92 | \$1,276.92 | \$1,365.18 | \$1,365.18 | \$5,284.21 |
| GEIB, RENEE | | \$350.60 | \$350.60 | \$374.83 | \$374.83 | \$1,450.86 |
| GERHARDT, CORY | | \$1,123.88 | \$1,123.88 | \$1,201.56 | \$1,201.56 | \$4,650.87 |
| GONDEK, RUTH | | \$287.71 | \$287.71 | \$307.60 | \$307.60 | \$1,190.61 |
| GRAF, SAVANNAH | | \$223.56 | \$223.56 | \$239.01 | \$239.01 | \$925.15 |
| GROESCHEL, JANA | | \$118.35 | \$118.35 | \$126.53 | \$126.53 | \$489.75 |
| GROSSKREUZ, BREANNE | | \$41.72 | \$41.72 | \$44.61 | \$44.61 | \$172.66 |
| GROVER, ERIC | | \$57.38 | \$57.38 | \$61.35 | \$61.35 | \$237.47 |
| GUCKENBERGER, KRISTA M | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| HADDICAN, KAYLAN | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| HAINER, CARLY | | \$737.77 | \$737.77 | \$788.76 | \$788.76 | \$3,053.05 |
| HEINIGER, ZACHARY | | \$1,088.83 | \$1,088.83 | \$1,164.09 | \$1,164.09 | \$4,505.82 |
| JOHNSON, CARLIE | | \$86.63 | \$86.63 | \$92.61 | \$92.61 | \$358.48 |
| KELLY, SHANE | | \$4.79 | \$4.79 | \$5.12 | \$5.12 | \$19.80 |
| KELLY, SHERRY | | \$644.21 | \$644.21 | \$688.73 | \$688.73 | \$2,665.88 |
| KENT, RACHEL | | \$134.60 | \$134.60 | \$143.90 | \$143.90 | \$557.01 |
| KIEHL, CHELSEA | | \$292.52 | \$292.52 | \$312.74 | \$312.74 | \$1,210.52 |

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|-------------------------|--|------------|------------|------------|------------|------------|
| KLEINHANS, PAIGE | | \$1,295.46 | \$1,295.46 | \$1,385.00 | \$1,385.00 | \$5,360.91 |
| KLOTZ, BRITTANY | | \$402.05 | \$402.05 | \$429.84 | \$429.84 | \$1,663.79 |
| KLOTZ, LAUREN | | \$398.96 | \$398.96 | \$426.54 | \$426.54 | \$1,651.00 |
| KONRATH, STEVEN | | \$64.07 | \$64.07 | \$68.50 | \$68.50 | \$265.13 |
| KOPREK, AUSTIN J | | \$1,276.42 | \$1,276.42 | \$1,364.65 | \$1,364.65 | \$5,282.13 |
| KURSCHNER, CHRISTINA | | \$19.69 | \$19.69 | \$21.05 | \$21.05 | \$81.48 |
| LAFLIN, JESSICA ROSE | | \$510.32 | \$510.32 | \$545.59 | \$545.59 | \$2,111.82 |
| LEE, BRYANT | | \$29.08 | \$29.08 | \$31.09 | \$31.09 | \$120.33 |
| LINDER, SHEILA MARIE | | \$43.91 | \$43.91 | \$46.94 | \$46.94 | \$181.70 |
| LUBA, AMANADA | | \$242.27 | \$242.27 | \$259.02 | \$259.02 | \$1,002.58 |
| MARION, ERIKA C | | \$295.58 | \$295.58 | \$316.01 | \$316.01 | \$1,223.17 |
| MAXWELL, JANA | | \$459.03 | \$459.03 | \$490.76 | \$490.76 | \$1,899.59 |
| MCCUEN, MORGAN | | \$120.42 | \$120.42 | \$128.75 | \$128.75 | \$498.34 |
| MCDONALD, MATTHEW | | \$249.48 | \$249.48 | \$266.72 | \$266.72 | \$1,032.40 |
| MCKAY, BETH | | \$0.64 | \$0.64 | \$0.68 | \$0.68 | \$2.65 |
| MILLER, AUBRE | | \$174.97 | \$174.97 | \$187.06 | \$187.06 | \$724.07 |
| MINOR, CARLY | | \$156.82 | \$156.82 | \$167.66 | \$167.66 | \$648.98 |
| NARANJO, STEPHANIE | | \$390.47 | \$390.47 | \$417.46 | \$417.46 | \$1,615.85 |
| NARANJO, STEPHANIE R | | \$11.05 | \$11.05 | \$11.81 | \$11.81 | \$45.71 |
| NELSON, LAURA | | \$438.17 | \$438.17 | \$468.46 | \$468.46 | \$1,813.26 |
| CONNELL, DANIELLE | | \$142.72 | \$142.72 | \$152.58 | \$152.58 | \$590.60 |
| PEREZ-GARDIPEE, NATALIA | | \$1,088.66 | \$1,088.66 | \$1,163.91 | \$1,163.91 | \$4,505.13 |
| PETRE, HANNAH | | \$416.61 | \$416.61 | \$445.40 | \$445.40 | \$1,724.02 |
| PIERSON, IAN | | \$201.96 | \$201.96 | \$215.92 | \$215.92 | \$835.75 |
| PINTER, KAILEY | | \$386.52 | \$386.52 | \$413.24 | \$413.24 | \$1,599.51 |
| POLACEK, CODY | | \$520.14 | \$520.14 | \$556.09 | \$556.09 | \$2,152.46 |
| POLACEK, SPENCER | | \$320.87 | \$320.87 | \$343.05 | \$343.05 | \$1,327.84 |
| POSNANSKI, SAMUEL | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| POWLESS, COREY | | \$708.51 | \$708.51 | \$757.49 | \$757.49 | \$2,932.00 |
| PROCTOR, MARISSA | | \$155.65 | \$155.65 | \$166.41 | \$166.41 | \$644.11 |
| PUTCHINSKI, CLAIRE | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| RAPPAPORT, EMMA | | \$33.59 | \$33.59 | \$35.91 | \$35.91 | \$138.99 |
| RICHTER, MIRANDA | | \$30.53 | \$30.53 | \$32.64 | \$32.64 | \$126.34 |
| RIETVELD, NICCOLE | | \$262.88 | \$262.88 | \$281.05 | \$281.05 | \$1,087.88 |
| RIVERA, GEORGE | | \$1,923.83 | \$1,923.83 | \$2,056.81 | \$2,056.81 | \$7,961.28 |
| ROGERS, LUCIA | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| ROHLOFF, KATHRYN | | \$15.47 | \$15.47 | \$16.54 | \$16.54 | \$64.03 |
| ROURKE, CATHERINE | | \$37.62 | \$37.62 | \$40.22 | \$40.22 | \$155.68 |
| SANCHEZ, CARISSA | | \$4.17 | \$4.17 | \$4.46 | \$4.46 | \$17.26 |
| SANCHEZ, CARISSA M | | \$956.25 | \$956.25 | \$1,022.35 | \$1,022.35 | \$3,957.20 |

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|--------------------|------------|------------|-------------|------------|-------------|--------------|
| SCHNEIDER, CHARLIE | | \$249.46 | \$249.46 | \$266.71 | \$266.71 | \$1,032.34 |
| SCHROEDER, CAROLYN | | \$165.09 | \$165.09 | \$176.50 | \$176.50 | \$683.19 |
| SCHULZ, NICOLE | | \$92.61 | \$92.61 | \$99.01 | \$99.01 | \$383.24 |
| SIDESKY, NICOLE | | \$55.34 | \$55.34 | \$59.17 | \$59.17 | \$229.02 |
| SKIBOSH, SCOTT | | \$153.98 | \$153.98 | \$164.62 | \$164.62 | \$637.19 |
| SMITH, ASHLEY | | \$25.83 | \$25.83 | \$27.62 | \$27.62 | \$106.91 |
| SOLTIS, NICOLE | | \$535.71 | \$535.71 | \$572.73 | \$572.73 | \$2,216.88 |
| SPITZA, NICK | | \$26.92 | \$26.92 | \$28.78 | \$28.78 | \$111.40 |
| ST GEORGE, KAITLYN | | \$791.02 | \$791.02 | \$845.70 | \$845.70 | \$3,273.45 |
| STANGE, MEGHAN | | \$1,504.98 | \$1,504.98 | \$1,609.00 | \$1,609.00 | \$6,227.97 |
| STROEDE, TAYLOR | | \$2,071.91 | \$2,071.91 | \$2,215.12 | \$2,215.12 | \$8,574.05 |
| TEGGE, MAKENA | | \$148.59 | \$148.59 | \$158.86 | \$158.86 | \$614.90 |
| THOMAS, DARREN | | \$617.60 | \$617.60 | \$660.29 | \$660.29 | \$2,555.78 |
| TOY, MICHAEL | \$5,000.00 | \$1,283.53 | \$1,283.53 | \$1,372.24 | \$1,372.24 | \$10,311.55 |
| TUCKER, COURTNEY | | \$756.34 | \$756.34 | \$808.62 | \$808.62 | \$3,129.91 |
| VANDE MOORE, TIM | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| VANDEMOORE, TIM | | \$172.01 | \$172.01 | \$183.90 | \$183.90 | \$711.83 |
| VERHAGEN, RACHEL | | \$1,396.44 | \$1,396.44 | \$1,492.96 | \$1,492.96 | \$5,778.80 |
| VOLPANO, CHELSEA | | \$646.00 | \$646.00 | \$690.65 | \$690.65 | \$2,673.31 |
| WAWRZYNIAK, SCOTT | | \$75.25 | \$75.25 | \$80.45 | \$80.45 | \$311.39 |
| WEST, COURTNEY | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| WILLIAMS, ALONZO | | \$2,022.74 | \$2,022.74 | \$2,162.55 | \$2,162.55 | \$8,370.58 |
| WOLFGRAM, MEGAN | | \$7.61 | \$7.61 | \$8.13 | \$8.13 | \$31.47 |
| WOLLERSHEIM, GENNA | | \$1,069.31 | \$1,069.31 | \$1,143.22 | \$1,143.22 | \$4,425.04 |
| WOLSKI, KAYSIE | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| YEHLE, ZACHARY | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| YENTER, KAYLA | | \$1,004.83 | \$1,004.83 | \$1,074.28 | \$1,074.28 | \$4,158.21 |
| YOUNGER, SAMANTHA | | \$17.07 | \$17.07 | \$18.25 | \$18.25 | \$70.64 |
| ZANE, TYLER | | \$281.99 | \$281.99 | \$301.48 | \$301.48 | \$1,166.96 |
| ZUTAVERN, JEANA | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| BULLOCKS, ARMOND | | \$54.55 | \$54.55 | \$58.32 | \$58.32 | \$225.74 |
| CAMPBELL, REBECCA | | \$27.59 | \$27.59 | \$29.50 | \$29.50 | \$114.19 |
| HEIN, KAITLIN | | \$1,359.90 | \$1,359.90 | \$1,453.89 | \$1,453.89 | \$5,627.59 |
| REICHART, DEBRA | | \$43.36 | \$43.36 | \$46.36 | \$46.36 | \$179.43 |
| WALKER, SYDNEY | | \$452.88 | \$452.88 | \$484.18 | \$484.18 | \$1,874.12 |
| Hawks Quindel S.C. | | | \$51,978.27 | | \$50,272.26 | \$102,250.53 |

The court **ORDERS** Defendants Water Street Brewery, Inc., Water Street
Brewery-Grafton, Inc., Water Street Brewery Oak Creek Restaurant LLC, Water

Street Brewery-Lake Country, Inc., and Robert C. Schmidt, Jr. to deliver the above payments to plaintiff's counsel, at the following address, by the end of business on the date in the above schedule or, if the date above falls on a weekend, the following business day:

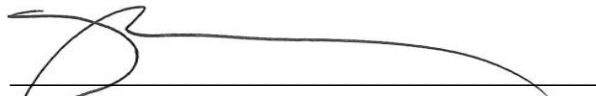
Larry A. Johnson
Hawks Quindel, S.C.
222 East Erie Street, Suite 210
Milwaukee, WI 53201

The court shall retain jurisdiction for the purpose of enforcing the terms of the settlement agreement and the mandatory injunction contained herein.

Except as provided for in paragraphs 1 through 6 above, the court **ORDERS** that this case is **DISMISSED WITH PREJUDICE**. Each party shall bear its own attorneys' fees and costs not otherwise provided for in the settlement agreement or this order.

Dated in Milwaukee, Wisconsin this 15th day of May, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge